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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,702	08/14/2006	Frank Hondmann	2002P01437WOUS	4817

46726 7590 06/10/2010
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

LETTMAN, BRYAN MATTHEW

ART UNIT	PAPER NUMBER
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3746

NOTIFICATION DATE	DELIVERY MODE
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06/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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NBN-IntelProp@bshg.com

Office Action Summary	Application No.	Applicant(s)	
	10/539,702	HONDMANN ET AL.	
	Examiner	Art Unit	
	Bryan Lettman	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20091211</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed February 25, 2010 has been entered. Claims 13-31 remain pending in the application. The previous objections to the specification and drawings are withdrawn in light of Applicant's amendment to the specification and drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by

European Patent Publication 0 722 070 to Pettinari.

Pettinari discloses a ventilator housing comprising:

at least one control board seat arrangement (8 and 7A) with at least one seat arrangement (8 and 7A) for a printed circuit board that is formed integrally with the ventilator housing (fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-19, 21-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2005/0106046 to Winkler, in view of U. S Patent 6,144,556 to Lanclos.

Referring to claim 13, Winkler teaches a ventilator comprising:

a housing front (the top surface as shown in Fig. 3);

a housing back (the bottom surface as shown in Fig. 3);

a sidewall arrangement (the right and left vertical surfaces as shown in Fig. 3) interconnecting said housing front and said housing back to one another at a spacing from one another as viewed in a depth direction (shown in fig. 3);

the ventilator housing forming a channel (the space between the housing front and back that surrounds the blades 106) through which air flows with the ventilator housing having an aperture through which air is drawn into the ventilator housing and another aperture through which air is blown out of the ventilator housing (the top and bottom each for one of the two apertures, one of which allows air to be drawn into the housing and the other of which allows air to be blown out of the husing, determined by which way the blades turn);

at least one seat arrangement (98), said seat arrangement (98) not forming a portion of the channel formed by the ventilator housing (shown in Fig. 3, seat arrangement 98 is not in the flow channel which surrounds the blades 106), whereupon air flowing through the channel does not flow in contact with said seat arrangement (98) during its passage through the channel (paragraph [0029], lines 1-4, paragraph [0030], lines 2-4);

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said seat arrangement (98) including a plurality of retention devices (102) for detachable retention on an outer peripheral surface of said seat arrangement (98) (via cover 100) of a plurality of technical components (94 and 96) for operating the ventilator, such that said components are secured with at least a portion of each of said components extending in the depth direction between said housing front and said housing back outwardly of said sidewall arrangement (shown in Fig. 3).

Winkler does not teach fixture devices having grooves and clips for securing said seat arrangement. Lanclos teaches a ventilator housing wherein:

a retention device (200) includes a plurality of grooves (205) for inserting a plurality of technical components (shown in Fig. 9) and a plurality of clip elements (300, the screws discussed in col. 6, lines 21-26, as shown in Fig. 1) for securing said components in said grooves (205), said grooves (205) receiving said components inserted therein (shown in Fig. 9).

It would be obvious to one of skill in the art, at the time of invention, to modify the ventilator taught by Winkler with retention device taught by Lanclos in order to properly secure the technical components, thereby preventing them from being damaged by coming loose inside the housing and impacting against the housing.

Referring to claim 14, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) is constructed integrally with the ventilator housing (22).

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Referring to claim 15, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) is arranged on the exterior of the ventilator housing (22) (fig. 3).

Referring to claim 16, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes fixing means (102) for securing said technical components (94 and 96).

Referring to claim 17, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said technical components (94 and 96) are secured in said seat arrangement (89) by positive (102) and non-positive (fig. 5) locking means.

Referring to claim 18, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes a cover closure element (100 and 142) for closing said seat arrangement (98).

Referring to claim 19, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement has at least one opening (fig. 3) to allow a cable (92) to pass therethrough.

Referring to claim 21, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing including:

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at least one of a condenser, a mains connector, a printed circuit board (90) or at least one control board detachably secured to said seat arrangement (98).

Referring to claim 22, Winkler and Lanclos teach all the limitations of claim 13 as explained above and Winkler further teaches a housing further comprising:

a plurality of at least one of channels, guides or retainers (fig. 3) for securing or passing through electrical wires (92) for connecting said technical components (94 and 96) to each other.

Referring to claim 23, Winkler and Lanclos teach all the limitations of claim 13 as explained above, but Winkler does not teach the use of the housing in an extraction hood. Lanclos further teaches a housing wherein:

the ventilator housing is provided for installation in an extraction hood, particularly in the suction channel or suction duct of said extraction hood (col. 2, lines 60-65, wherein Lanclos teaches a heat extraction hood, as shown in Fig. 10).

Furthermore, it has been held that the recitation with respect to the matter in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex part Masham*, 2 USPQ2d 1647 (1987).

Referring to claim 25, Winkler and Lanclos teach all the limitations of claim 13 as explained above, but Winkler does not teach multiple circuit boards. Lanclos further teaches a housing wherein:

said plurality of grooves includes a first groove for insertion therein of a portion of a first circuit board (115) and a second groove for insertion therein of a portion of a second circuit board (115) (col. 7, lines 16-22; shown in Fig. 12).

Referring to claim 26, Winkler and Lanclos teach all the limitations of claim 25 as explained above, and Winkler further teaches a structure wherein:

said seat arrangement includes a first lateral wall, a second lateral wall in opposition to said first lateral wall, and an open face delimited between said first and second lateral walls (shown in Fig. 8). Winkler does not teach a groove.

Lanclos further teaches a housing wherein:

a lateral groove is located at a lateral wall and has an open end at an open face, whereupon a respective circuit board (115) can be inserted through said open face into the lateral groove (shown in Fig. 9).

Referring to claim 27, Winkler and Lanclos teach all the limitations of claim 26, as detailed above, but Winkler does not teach fixture devices having grooves and clips for securing said seat arrangement. Lanclos teaches a ventilator housing wherein:

said plurality of clip elements includes a positive locking element (300, the screws inherently have threads) operable to resist withdrawal of a circuit board (115) that has been inserted into a lateral groove.

Claims 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent Publication 2005/0106046 to Winkler and U. S. Patent 6,144,556 to Lanclos as applied to claim 13 above, and further in view of U. S. Patent 6,354,287 to Kudoh and U. S. Patent 4,842,227 to Harrington.

Winkler and Lanclos teach all the limitations of claim 13 as detailed above, and Winkler further teaches a housing wherein:

said seat arrangement (98) includes a housing (the portion adjacent to the flow channel) and a cover (100) element that is movable relative to said housing between an open position and a covering position (paragraph [0030], lines 2-4).

Winkler and Lanclos do not teach a mechanism for relieving strain on said cable or a mechanism for strain relief including a first part on said housing and a second part on said cover element. Kudoh teaches a blower housing comprising:

a seat arrangement (7) includes a housing (17a) and a cover (17b) element that is movable relative to said housing between an open position and a covering position (shown in Figures 10 and 11) and said mechanism for strain relief (y) of a cable (Y) includes a first part on said housing (the hole in 17a) and a second part on said cover element (17b) (wherein the cover 17b provides rigidity to the first part 17a by way of tabs 17-b4 and fastener 100, thereby 17b supports the mechanism for strain relief of the cable Y) that cooperate together in the covering position of said cover element to compressively engage a cable extending therebetween to resist withdrawal of the cable out of said housing (shown in Figures 10 and 11).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler, with the strain relief mechanism taught by Kudoh in order to economically support and seal the cable passing through the wall of said seating arrangement, reducing wear on the cable and technical components, and thereby extending the life of the housing.

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Kudoh does not teach a mechanism for relieving strain on said cable which provides a radial inward force. Harrington teaches a mechanism for relieving strain on a cable wherein:

a first part (48, 50, 52) continuously applies a radially inward force on the cable relative to an axis of the cable and the second part (which ever of 48, 50, 52 corresponds to the first part) continuously applies a radially inward force on the cable in opposition to the radially inward force applied on the cable by the first part such that a respective radial cross sectional portion of the cable is continuously radially inwardly deflected between the first part and the second part of said housing, the opposed radially inward forces applied on the cable by the first part and the second part resisting strain on a portion of the cable to one side that may result from an axial movement force applied on another portion of the cable and the oppose radially inward forces applied on the cable by the first part and the second part resist twisting of the portion of the cable that may result from an angular movement force applied on the another portion of the cable (col. 3, lines 16-36).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler, with the strain relief mechanism taught by Harrington in order to reduce strain on the cable (Harrington abstract lines 1-2), reducing wear on the cable and technical components, and thereby extending their life.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication 0 722 070 to Pettinari in view of U.S. Patent Publication 2005/0106046 to Winkler and U. S Patent 6,144,556 to Lanclos.

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Referring to claim 29, Pettinari teaches all the limitations of claim 24, as detailed above, and further teaches a housing comprising:

a housing front (top of 13);

a housing back (bottom of 12), and

a sidewall arrangement (sides of 12) interconnecting said housing front (top of 13) and said housing back (bottom of 12) to one another at a spacing from one another as viewed in a depth direction (shown in Fig. 2), the ventilator housing forming a channel (the space formed between 12 and 13) through which air flows (shown by arrow in Fig. 2) with the ventilator housing having an aperture (in bottom of 12, near fan motor) through which air is drawn into the ventilator housing and another aperture (14) through which air is blown out of the ventilator housing.

Pettinari is silent as to how the technical components are secured in the seat arrangement. Winkler teaches a ventilator wherein:

a seat arrangement (98) includes a plurality of retention devices (102) for detachable retention on an outer peripheral surface of said respective one seat arrangement (98) of a plurality of technical components (94, 96) for operating the ventilator.

It would be obvious to one of skill in the art, at the time of invention, to modify the ventilator taught by Pettinari with the seat arrangement taught by Winkler in order to protect the technical components from the air flow, thereby preventing them from being damaged by objects and corrosives which might be entrained in the air flow.

Winkler does not teach a seat arrangement having grooves. Lanclos teaches a ventilator housing wherein:

a seat arrangement (shown in Fig. 9) having a retention device that includes a plurality of grooves (205) for inserting a plurality of technical components (shown in Fig. 9) and a plurality of clip elements (300, the screws discussed in col. 6, lines 21-26, as shown in Fig. 1) for securing said components in said grooves (205), said grooves (205) receiving said components inserted therein such that said components are secured with at least a portion of each of said components extending in the depth direction between a housing front and said housing back outwardly of a sidewall arrangement (shown in Fig. 9);

said plurality of grooves (205) includes a first lateral groove for insertion therein of a portion of a first circuit board (115) and a second lateral groove for insertion therein of a portion of a second circuit board (115) (Fig. 12 illustrates an embodiment having multiple circuit boards mounted in multiple grooves 205),

said seat arrangement includes a first lateral wall (102), a second lateral wall (103) in opposition to said first lateral wall (102), and an open face (shown in Fig. 1) delimited between said first (102) and second (103) lateral walls, each of said grooves are located at a respective one of said first and second lateral walls and has an open end at said open face (shown in Fig. 1 for a one board setup and in Fig. 12 for multiple boards),

whereupon a respective circuit board (115) can be inserted through said open face into a respective given one of said lateral grooves (205) (shown in Fig. 9), said

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plurality of clip elements (300) includes a positive locking element (the screws discussed in col. 6, lines 21-26, as shown in Fig. 1) operable to resist withdrawal of a circuit board (115) that has been inserted into a respective one of said first and second lateral grooves (205).

It would be obvious to one of skill in the art, at the time of invention, to modify the ventilator taught by Pettinari with the retention device taught by Lanclos in order to properly secure the technical components, thereby preventing them from being damaged by coming loose inside the housing and impacting against the housing.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication 0 722 070 to Pettinari in view of U.S. Patent Publication 2005/0106046 to Winkler and U. S Patent 6,144,556 to Lanclos as applied to claim 29 above, and further in view of U. S. Patent 6,354,287 to Kudoh and U. S. Patent 4,842,227 to Harrington.

Pettinari, Winkler and Lanclos teach all the limitations of claim 29, as detailed above, but Pettinari is silent as to how the technical components are secured in the seat arrangement. Winkler teaches a ventilator wherein:

said seat arrangement (98) including a plurality of retention devices (102) for detachable retention on an outer peripheral surface of said seat arrangement (98) (via cover 100) of a plurality of technical components (94 and 96) for operating the ventilator, a seat arrangement housing (the portion of 98 adjacent to the flow channel) and a cover (100) element that is movable relative to said housing between an open position and a covering position (paragraph [0030], lines 2-4).

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Pettinari, Winkler and Lanclos do not teach a mechanism for relieving strain on said cable or a mechanism for strain relief including a first part on said housing and a second part on said cover element. Kudoh teaches a blower housing comprising:

a seat arrangement (7) includes a housing (17a) and a cover (17b) element that is movable relative to said housing between an open position and a covering position (shown in Figures 10 and 11) and said mechanism for strain relief (y) of a cable (Y) includes a first part on said housing (the hole in 17a) and a second part on said cover element (17b) (wherein the cover 17b provides rigidity to the first part 17a by way of tabs 17-b4 and fastener 100, thereby 17b supports the mechanism for strain relief of the cable Y) that cooperate together in the covering position of said cover element to compressively engage a cable extending therebetween to resist withdrawal of the cable out of said housing (shown in Figures 10 and 11).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Pettinari, with the strain relief mechanism taught by Kudoh in order to economically support and seal the cable passing through the wall of said seating arrangement, reducing wear on the cable and technical components, and thereby extending the life of the housing.

Kudoh does not teach a mechanism for relieving strain on said cable which provides a radial inward force. Harrington teaches a mechanism for relieving strain on a cable wherein:

a first part (48, 50, 52) continuously applies a radially inward force on the cable relative to an axis of the cable and the second part (which ever of 48, 50, 52

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corresponds to the first part) continuously applies a radially inward force on the cable in opposition to the radially inward force applied on the cable by the first part such that a respective radial cross sectional portion of the cable is continuously radially inwardly deflected between the first part and the second part of said housing, the opposed radially inward forces applied on the cable by the first part and the second part resisting withdrawal of the cable and strain on a portion of the cable to one side that may result from an axial movement force applied on another portion of the cable and the oppose radially inward forces applied on the cable by the first part and the second part resist twisting of the portion of the cable that may result from an angular movement force applied on the another portion of the cable (col. 3, lines 16-36).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Pettinari, with the strain relief mechanism taught by Harrington in order to reduce strain on the cable (Harrington abstract lines 1-2), reducing wear on the cable and technical components, and thereby extending their life.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2005/0106046 to Winkler, U.S. Patent 6,354,287 to Kudoh and U.S. Patent 4,842,227 to Harrington.

Winkler teaches a ventilator comprising:

a housing front (the top surface as shown in Fig. 3);

a housing back (the bottom surface as shown in Fig. 3);

a sidewall arrangement (the right and left vertical surfaces as shown in Fig. 3) interconnecting said housing front and said housing back to one another at a spacing from one another as viewed in a depth direction (shown in fig. 3)

the ventilator housing forming a channel (the space between the housing front and back that surrounds the blades 106) through which air flows with the ventilator housing having an aperture through which air is drawn into the ventilator housing and another aperture through which air is blown out of the ventilator housing (the top and bottom each for one of the two apertures, one of which allows air to be drawn into the housing and the other of which allows air to be blown out of the housing, determined by which way the blades turn);

at least one seat arrangement (98), said seat arrangement (98) including a plurality of retention devices (102) for detachable retention on an outer peripheral surface of said seat arrangement (98) (via cover 100) of a plurality of technical components (94 and 96) for operating the ventilator, said seat arrangement (98) includes a housing (the portion adjacent to the flow channel) and a cover (100) element that is movable relative to said housing between an open position and a covering position (paragraph [0030], lines 2-4).

Winkler does not teach a mechanism for relieving strain on said cable or a mechanism for strain relief including a first part on said housing and a second part on said cover element. Kudoh teaches a blower housing comprising:

a seat arrangement (7) includes a housing (17a) and a cover (17b) element that is movable relative to said housing between an open position and a covering position

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(shown in Figures 10 and 11) and said mechanism for strain relief (y) of a cable (Y) includes a first part on said housing (the hole in 17a) and a second part on said cover element (17b) (wherein the cover 17b provides rigidity to the first part 17a by way of tabs 17-b4 and fastener 100, thereby 17b supports the mechanism for strain relief of the cable Y) that cooperate together in the covering position of said cover element to compressively engage a cable extending therebetween to resist withdrawal of the cable out of said housing (shown in Figures 10 and 11).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler, with the strain relief mechanism taught by Kudoh in order to economically support and seal the cable passing through the wall of said seating arrangement, reducing wear on the cable and technical components, and thereby extending the life of the housing.

Kudoh does not teach a mechanism for relieving strain on said cable which provides a radial inward force. Harrington teaches a mechanism for relieving strain on a cable wherein:

a first part (48, 50, 52) continuously applies a radially inward force on the cable relative to an axis of the cable and the second part (which ever of 48, 50, 52 corresponds to the first part) continuously applies a radially inward force on the cable in opposition to the radially inward force applied on the cable by the first part such that a respective radial cross sectional portion of the cable is continuously radially inwardly deflected between the first part and the second part of said housing, the opposed radially inward forces applied on the cable by the first part and the second part resisting

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strain on a portion of the cable to one side that may result from an axial movement force applied on another portion of the cable and the oppose radially inward forces applied on the cable by the first part and the second part resist twisting of the portion of the cable that may result from an angular movement force applied on the another portion of the cable (col. 3, lines 16-36).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler, with the strain relief mechanism taught by Harrington in order to reduce strain on the cable (Harrington abstract lines 1-2), reducing wear on the cable and technical components, and thereby extending their life.

Response to Arguments

Applicant's arguments filed February 25, 2010 have been fully considered but they are not persuasive.

With respect to claim 24, Applicant argues that "the electronic componentry 7a in the form of a circuit board of Pettinari EP 0 722 070 is mounted in a hood front panel 20A, not a "seat arrangement." As explained in the Prior Action, a mounting inherently includes a seat arrangement. Accordingly, by Applicant's own admission, Pettinari does disclose a seat arrangement and Applicant's argument is therefore unpersuasive. Furthermore, MPEP §2111 states that "[d]uring patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In lines 19-27 of the specification, it is stated that "[t]he term seat arrangement is understood to mean a retainer in or on the ventilator housing for a technical component for operating the ventilator. In each case, the seat arrangement is

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designed such that the corresponding component may be easily attached in or on this seat arrangement.” As shown in Figures 3 and 4 of Pettinari, the recess 8 retains a technical component 7A in the ventilator housing. Accordingly, using the broadest reasonable interpretation consistent with the specification, Pettinari does disclose a seat arrangement and Applicant's argument is therefore unpersuasive.

With respect to claim 13, Applicant argues that “person of ordinary skill in the art would not be provided with any motivation to configure the micro fan arrangement of Winkler US Patent Application No. 2005/0106046 with the heat dissipating housing of US Patent No. 6,144,556 to Lanclos” because Lanclos is in an unrelated art. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Lanclos teaches a ventilation housing. Ventilation housings are both in the field of applicant's endeavor and reasonably pertinent to the particular problem with which the applicant is concerned. Accordingly, Applicant's argument is unpersuasive.

With respect to claim 13, Applicant argues that

Lanclos '556 does not teach or disclose, as recited in claim 13, a seat arrangement that is isolated from the channel formed by the ventilator housing such that air flowing through the channel does not flow in contact with the seat arrangement. Instead, Lanclos '556 discloses that the electronic circuits housed in its housing 50 are cooled by forcing cooling air through the housing in a serpentine manner before the cooling air exits the housing.

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This argument is mute because Lanclos is a secondary reference and this limitation is already taught by the primary reference, Winkler, as detailed above. With respect to claim 13, Applicant further argues that the combination of Winkler and Lanclos appears to be based on hindsight reasoning. However, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Applicant's argument, in light of the rejection above, is accordingly unpersuasive.

Applicant's arguments with respect to claim 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Lettman whose telephone number is (571) 270-7860. The examiner can normally be reached on Monday - Thursday between 9:00 am and 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. L./
Examiner, Art Unit 3746

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746